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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/073,780	02/11/2002	Mervin Wood	A-22159/P1CGC 2050/DIV	5432	
324	7590 03/08/2006		EXAM	EXAMINER	
CIBA SPECIALTY CHEMICALS CORPORATION			SANDERS, KRIELLION ANTIONETTE		
PATENT DE	PARTMENT				
540 WHITE	PLAINS RD		ART UNIT	PAPER NUMBER	
P O BOX 200)5		1714		
TARRYTOW	/N, NY 10591-9005	DATE MAILED: 03/08/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)	•					
		10/073,780	WOOD ET AL.						
	Office Action Summary	Examiner	Art Unit	· · · · · · · · · · · · · · · · · · ·					
		Kriellion A. Sanders	1714						
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
Status									
1) \	Responsive to communication(s) filed on 12/0s	5/05							
<u> </u>		action is non-final.							
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Dispositi	on of Claims								
4) 🖾	Claim(s) 30-33 is/are pending in the applicatio	n.							
	4a) Of the above claim(s) is/are withdrawn from consideration.								
	Claim(s) is/are allowed.								
6)⊠	Claim(s) 30-33 is/are rejected.								
7)	Claim(s) is/are objected to.								
8)[Claim(s) are subject to restriction and/o	r election requirement.							
Applicati	on Papers								
9)□	The specification is objected to by the Examine	er.							
	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).									
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).									
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority under 35 U.S.C. § 119									
_	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received.								
	2. Certified copies of the priority document		on No						
	3. Copies of the certified copies of the prior	rity documents have been receive	ed in this National Stage	е					
	application from the International Bureau								
* 5	See the attached detailed Office action for a list	of the certified copies not receive	ed.						
Attachmen	t(s)								
	e of References Cited (PTO-892)	4) Interview Summary							
3) 🔲 Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate Patent Application (PTO-152)						
C. Datast and T.									

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- ((a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claim s 30-33 are rejected under 35 U.S.C. 102(a and e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ravichandran et al, US Patent No. 5, 977,219.
- 2. The rejection is repeated for reasons of record. The compounds of Ravichandran et al overlap with applicant's claimed compounds. For example, applicant requires that at least one of E_1 , E_2 and E_2 ' be (CH_2) m $-CO-X-T_1$. Such a moiety as this is included on the benzotriazoles of

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Ravichandran et al. The remainder of the basic benzotriazole structure is clearly known in the art as is taught by patentee. See col. 2, line 25 through col. 12, line 62. No patentable difference is readily ascertained between present and patented inventions.

Response to Arguments

- 3. Applicant's arguments filed 12/5/05 have been fully considered but they are not persuasive. The species disclosed by Ravichandran et al correspond to those of applicant's claims. For example, applicant's bis-benzotriazole structure of formula (II) wherein E₂ is (CH₂)m CO-X-T₁ corresponds to the bis-benzotriazole structure of Ravichandran of formula (C) at col. 3, line 1 when R₅ is a straight or branched chain alkylene interrupted by oxygen, depicted as -O-R₉-O-. The compound of formula (C) of Ravichandran also corresponds to applicant's claimed compounds n is 1 and when R₅ is R₅ is a straight or branched chain alky interrupted by oxygen.
- 4. Applicant argues that the T1 moiety of the present claims must possess at least 25 carbon atoms while Ravichandran has a maximum of 24. Even if this were the case, the present compounds would be related as the next adjacent homologues of Ravichandran's compounds and would be obvious thereover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 6:30-7:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-119. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.

Kriellion A. Sanders Primary Examiner Art Unit 1714

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